United Nations A/C.3/65/L.34

General Assembly

Distr.: Limited
28 October 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 68 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Bangladesh, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Peru and Uruguay: draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 64/166 of 18 December 2009, and also Human Rights Council resolution 15/16 of 30 September 2010,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State and to leave any country, including his or her own, and to return to his or her country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of

[1] See A/HRC/15/60.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.
[7] Ibid., vol. 660, No. 9464.

Please recycle

Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[11] which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[12] and 2009/1 of 3 April 2009,[13]

Taking note with appreciation of the report of the United Nations Development Programme, *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development*,[14]

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[15] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena Judgment*,[16] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights,

---

[8] Resolution 61/106, annex I.

[9] United Nations, *Treaty Series*, vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

[11] Resolution 63/303, annex.

[12] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[13] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[14] United Nations publication, Sales No. E.09.III.B.1.

[15] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004*, p. 12.

[16] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.12. See also *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning* Avena and Other Mexican Nationals (Mexico *v.* United States of America) *(Mexico v. United States of America), Judgment* (available from www.icj-cij.org/docket/files/139/14939.pdf).

Noting the fourth meeting of the Global Forum on Migration and Development, held in Puerto Vallarta, Mexico, from 8 to 11 November 2010, recognizing the discussion on its central theme "Partnerships for migration and human development: shared prosperity — shared responsibility" as a step contribution to addressing the multidimensional nature of international migration, as well as a step to promote a debate on possible synergies among countries of origin, transit and destination and other stakeholders, in order to support the implementation of comprehensive and balanced policies and, also, the willingness to share responsibility, and taking note with appreciation of the generous offer of the Government of Switzerland to host the meeting of the Global Forum in 2011,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the impact of the economic and financial crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Affirming that crimes against migrants and trafficking in persons continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for all human rights and fundamental freedoms of migrants, regardless of their migration status,

Stressing the importance of regulations and laws regarding irregular migration being in accordance with the obligations of States under international law, including international human rights law,

Stressing the obligation of States to protect the human rights of migrants regardless of their legal status, and expressing its concern about measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to,

inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Concerned about the large and growing number of migrants, especially women, youths and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions and prevent individuals from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women, youths and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* over the impact of economic and financial crises on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, particularly migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(b) Expresses concern at legislation and its interpretation, practices and measures adopted by some States, as well as legislative initiatives, that may lead to a discriminatory treatment and restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply

with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention and on how it has influenced policy and practice to strengthen the protection of migrants, particularly in the context of its twentieth anniversary;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its eleventh and twelfth sessions,[17] and notes in particular the report of the day of general discussion on migrant domestic workers, held on 14 October 2009, including the recommendations contained therein;[18]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women, youths and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Encourages States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

(d) Encourages Member States that have not already done so to enact domestic legislation and take further effective measures to combat international trafficking in and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

---

[17] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 48* (A/65/48).

[18] Ibid., chap. I.H, paras. 14-16.

(e) Takes note with appreciation of the measures adopted by some States to reduce detention periods in cases of undocumented migration, in the application of domestic regulations and laws regarding irregular migration;

(f) Also takes note with appreciation of the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(g) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(h) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(i) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(j) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(k) Encourages all States to remove unlawful obstacles that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(l) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern at the increasing activities of transnational and national organized crime and others who profit from crimes against migrants, especially women, youths and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards, as well as at the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime

and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(b) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(c) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

(d) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(e) Encourages all States to prevent and eliminate discriminatory policies that deny migrant children access to education;

(f) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(g) Urges States parties to the United Nations Convention against Transnational Organized Crime[19] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[20] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[21] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Welcomes* the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,[22] and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

7. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a

[19] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[20] Ibid., vol. 2241, No. 39574.
[21] Ibid., vol. 2237, No. 39574.
[22] A/HRC/15/29.

comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to take the necessary measures to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Also encourages States to strengthen further their cooperation in protecting witnesses and victims of smugglers and traffickers;

(d) Further encourages States, with the support of the United Nations system and other relevant international organizations and multilateral institutions, to promote the collection and processing of comparable and reliable data on the numbers and conditions of migrants in countries of origin, transit and destination, as appropriate, in order to improve national, regional and international measures aiming at ensuring a more effective protection of migrants;

(e) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard underlines the importance of adequately taking into account the human rights perspective as one of the priorities of the informal thematic debate on international migration and development, to be held in 2011, as well as in the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly, in 2013, as decided by the Assembly in its resolution 63/225 of 19 December 2008;

(f) Invites the Chair of the Committee to address the General Assembly at its sixty-sixth session under the item entitled "Promotion and protection of human rights";

(g) Invites the Special Rapporteur to submit his report to the General Assembly at its sixty-sixth session under the item entitled "Promotion and protection of human rights";

8. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-sixth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, in particular how the Convention has influenced policy and practice to strengthen the protection of migrants, particularly in the context of its twentieth anniversary, and decides to examine the question further under the item entitled "Promotion and protection of human rights".

United Nations A/C.3/65/L.34/Rev.1

General Assembly

Distr.: Limited
12 November 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 68 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Chile, Colombia, Ecuador, El Salvador, Eritrea, Guatemala, Haiti, Honduras, Kyrgyzstan, Mali, Mexico, Nicaragua, Paraguay, Peru, Philippines, Senegal, Sri Lanka, Tajikistan and Uruguay: revised draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 64/166 of 18 December 2009, and recalling also Human Rights Council resolution 15/16 of 30 September 2010,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his or her own, and to return to his or her country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the

[1] See A/HRC/15/60.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.

Please recycle

Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[11] which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[12] and 2009/1 of 3 April 2009,[13]

Taking note with appreciation of the United Nations Development Programme's *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development*,[14]

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[15] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena* Judgment,[16] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

---

[7] Ibid., vol. 660, No. 9464.

[8] Resolution 61/106, annex I.

[9] United Nations, *Treaty Series*, vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

[11] Resolution 63/303, annex.

[12] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[13] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[14] United Nations publication, Sales No. E.09.III.B.1.

[15] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals (Mexico* v. *United States of America), Judgment, I.C.J. Reports 2004*, p. 12.

[16] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.12. See also *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning* Avena and Other Mexican Nationals (Mexico *v.* United States of America) (*Mexico* v. *United States of America*), *Judgment* (available from www.icj-cij.org/docket/files/139/14939.pdf).

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which, among other things, recognized the relationship between international migration, development and human rights,

Noting the fourth meeting of the Global Forum on Migration and Development, held in Puerto Vallarta, Mexico, from 8 to 11 November 2010, recognizing the discussion on its central theme "Partnerships for migration and human development: shared prosperity — shared responsibility" as a contribution to addressing the multidimensional nature of international migration as well as a step to promote a debate on possible synergies among countries of origin, transit and destination and, where appropriate, other relevant stakeholders, in support of comprehensive and balanced policies, and taking note with appreciation of the generous offer of the Government of Switzerland to assume the Presidency of the Global Forum for 2011,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the impact of the economic and financial crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Affirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat

irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* over the impact of economic and financial crises on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, particularly migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and

urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(b) Expresses concern at legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its eleventh and twelfth sessions;[17]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Takes note with appreciation of the measures adopted by some States to reduce detention periods in cases of undocumented migration, in the application of domestic regulations and laws regarding irregular migration;

(d) Also takes note with appreciation of the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of

[17] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 48* (A/65/48).

the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(i) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern at the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(d) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures

necessary to better protect women and girls against dangers and abuse during migration;

(e) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(f) Encourages all States to prevent and eliminate discriminatory policies that deny migrant children access to education;

(g) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(h) Urges States parties to the United Nations Convention against Transnational Organized Crime[18] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[19] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[20] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,[21] and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

7. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

8. *Encourages* Member States that have not already done so to enact domestic legislation and to take further effective measures to combat international trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global

[18] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[19] Ibid., vol. 2241, No. 39574.
[20] Ibid., vol. 2237, No. 39574.
[21] A/HRC/15/29.

character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to take the necessary measures to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Also encourages States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

(d) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

(e) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard underlines the importance of adequately taking into account the human rights perspective as one of the priorities of the informal thematic debate on international migration and development, to be held in 2011, as well as in the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly, in 2013, as decided by the Assembly in its resolution 63/225 of 19 December 2008;

(f) Invites the Chair of the Committee to address the General Assembly at its sixty-sixth session under the item entitled "Promotion and protection of human rights";

(g) Invites the Special Rapporteur to submit his report to the General Assembly at its sixty-sixth session under the item entitled "Promotion and protection of human rights";

10. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-sixth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, in particular how the Convention has influenced policy and practice, where applicable, to strengthen the protection of migrants, in the context of its twentieth anniversary, and decides to examine the question further under the item entitled "Promotion and protection of human rights".

United Nations A/C.3/65/L.35

General Assembly

Distr.: Limited
28 October 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 68 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Italy, Latvia, Liechtenstein, Luxembourg, Montenegro, Netherlands, Norway, Peru, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular articles 6 and 10 of the Covenant, and all other relevant treaties,

Recalling all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolutions 60/159 of 16 December 2005 and 62/158 of 18 December 2007, Human Rights Council resolution 10/2 of 25 March 2009 and Economic and Social Council resolution 2009/26 of 30 July 2009,

Calling attention to the numerous international standards in the field of the administration of justice,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

Please recycle

Welcoming the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[3]

Welcoming also the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice,[4]

Acknowledging the efforts made by the Secretary-General to improve the coordination of United Nations activities in the field of administration of justice, the rule of law and juvenile justice,

Noting with appreciation the important work of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the relevant special procedure mandate holders of the Human Rights Council and the United Nations Children's Fund in the administration of justice, and welcoming their increased attention to the issue of justice for children and women in detention,

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in their respective work,

Convinced that the independence and impartiality of the judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights, the rule of law, good governance, democracy and sustainable development, as well as for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations,

Emphasizing that the right to access to justice, including that of women, forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Reaffirming that the best interests of the child must be a primary consideration in all decisions concerning children in the administration of justice, including in relation to pre-trial measures, as well as an important consideration in all matters concerning the child when sentencing primary caregivers of children,

---

[3] See Economic and Social Council resolution 2010/16.

[4] A/CONF.213/18, chap. I, resolution 1.

1. Welcomes the most recent report submitted by the Secretary-General to the Human Rights Council on human rights in the administration of justice, including juvenile justice, emphasizing, inter alia, that the administration of justice extends beyond the criminal justice system to other means of administering justice;[5]

2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

4. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

5. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

7. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

8. *Welcomes* the establishment of an open-ended intergovernmental expert group to exchange information on best practices, as well as on national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on Crime Prevention and Criminal Justice on possible next steps, and encourages the expert group to actively engage with the Office of the United Nations High Commissioner for Human Rights;

9. *Encourages* States to endeavour to reduce, where appropriate, pre-trial detention by adopting legislation on preconditions for pre-trial detention and on alternative measures, and to promote increased access to justice and legal advice and assistance;

10. *Also encourages* States to draw on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok rules)[3] when developing and implementing relevant legislation,

[5] A/HRC/14/34.

procedures, policies and action plans, and invites treaty bodies, relevant special procedure mandate holders, the Office of the United Nations High Commissioner for Human Rights and all other relevant organizations to pay attention to these rules in their activities;

11. *Stresses* the importance of paying greater attention to the impact of imprisonment of parents on their children and welcomes in this respect the activities of the Committee of the Rights of the Child, and notes with interest, in particular, the planned day of general discussion by the Committee in 2011 on the theme "The situation of children of prisoners";

12. *Calls upon* States to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment, and emphasizes that, when sentencing or deciding on pre-trial measures for a pregnant woman or a child's sole or primary caregiver, priority should be given to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interests of the child;

13. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, including relevant international standards on human rights in the administration of justice, and calls on States parties to the Convention on the Rights of the Child[6] to abide strictly by its principles and provisions;

14. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency with a view also to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pre-trial detention for children;

15. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

16. *Urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by persons under 18 years of age;

17. *Calls upon* States to improve the collection of information on children within the criminal justice system and on the reasons leading to their placement in justice and care institutions, and to consider establishing independent monitoring mechanisms to safeguard their rights and address their complaints;

18. *Invites* Governments to provide for tailored and interdisciplinary training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges,

[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.

lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

19. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

20. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

21. *Invites* the Human Rights Council and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, to closely coordinate their activities relating to the administration of justice;

22. *Calls upon* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations and, in this context, in cooperation with the Department of Peacekeeping Operations of the Secretariat;

23. *Requests* the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Peacebuilding Commission and the Rule of Law Unit, in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

24. *Calls upon* relevant special procedure mandate holders of the Human Rights Council to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, whenever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

25. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the latest developments, challenges and good practices in human rights in the administration of justice, as well as the activities undertaken by the United Nations system as a whole;

26. *Decides* to continue its consideration of the question of human rights in the administration of justice at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

United Nations A/C.3/65/L.35/Rev.1

General Assembly

Distr.: Limited
11 November 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 68 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular articles 6 and 10 of the Covenant, and all other relevant international treaties,

Recalling all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolutions 60/159 of 16 December 2005 and 62/158 of 18 December 2007, Human Rights Council resolution 10/2 of 25 March 2009 and Economic and Social Council resolution 2009/26 of 30 July 2009,

Calling attention to the numerous international standards in the field of the administration of justice,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

Please recycle

Welcoming the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[3]

Welcoming also the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice,[4]

Acknowledging the efforts made by the Secretary-General to improve the coordination of United Nations activities in the field of administration of justice, the rule of law and juvenile justice,

Noting with appreciation the important work of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights and the United Nation's Children's Fund and relevant contributions of special procedure mandate holders of the Human Rights Council on the administration of justice,

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in their respective work,

Convinced that the independence and impartiality of the judiciary and the integrity of the judicial system as well as an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy, as well as for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations,

Emphasizing that the right to access to justice for all forms an important basis for strengthening the rule of law through the administration of justice,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Reaffirming that the best interests of the child shall be a primary consideration in all decisions concerning the child in the administration of justice, including in relation to pretrial measures, and shall be an important consideration in all matters concerning the child related to sentencing of his or her parents, legal guardian or other sole or primary caregiver,

1. *Takes note with appreciation* of the most recent report submitted by the Secretary-General to the Human Rights Council on human rights in the administration of justice, including juvenile justice, emphasizing, inter alia, that the administration of justice extends beyond the criminal justice system to other means of administering justice;[5]

---

[3] See Economic and Social Council resolution 2010/16.

[4] A/CONF.213/18, chap. I, resolution 1.

[5] A/HRC/14/34.

2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

4. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

5. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

7. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

8. *Takes note with appreciation* of the decision[6] to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as on national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on Crime Prevention and Criminal Justice on possible next steps, and invites, in this regard, the expert group to benefit from the expertise of the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights and other relevant stakeholders;

9. *Encourages* States to endeavour to reduce, where appropriate, pretrial detention, inter alia by adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives, as well as by taking measures aimed at the implementation of existing legislation and by ensuring effective access to justice and legal advice and assistance;

10. *Also encourages* States to pay due attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[3] when developing and implementing relevant legislation, procedures, policies and action plans, and invites relevant special

[6] See A/C.3/65/L.6.

procedure mandate holders, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and all other relevant organizations to take these rules into consideration in their activities;

11. *Stresses* the importance of paying greater attention to the impact of imprisonment of parents on their children, while noting with interest the day of general discussion on the theme "The situation of children of prisoners" to be organized in 2011 by the Committee on the Rights of the Child;

12. *Calls upon* States to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment, and emphasizes that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary caregiver, appropriate priority should be given to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interests of the child;

13. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law as well as relevant international standards on human rights in the administration of justice, and calls on States parties to the Convention on the Rights of the Child[7] to abide strictly by its principles and provisions;

14. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and to comply with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

15. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

16. *Urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by persons under 18 years of age;

17. *Also encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

18. *Further encourages* States to establish independent mechanisms to contribute to monitoring and safeguarding the rights of children, including children within their criminal justice systems, and to address children's complaints;

---

[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

19. *Invites* Governments to provide for tailored and interdisciplinary training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

20. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

21. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

22. *Invites* the Human Rights Council and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, to closely coordinate their activities relating to the administration of justice;

23. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations and, in this context, in cooperation with relevant departments of the Secretariat, including the Peacebuilding Support Office, the Department of Political Affairs and the Department of Peacekeeping Operations;

24. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and, in this respect, requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Coordination and Resource Group, and in cooperation with the Peacebuilding Commission, including assistance provided through United Nations field presences;

25. *Invites* relevant special procedure mandate holders of the Human Rights Council to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

26. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the latest developments, challenges and good practices in human rights in the administration of justice, as well as the activities undertaken by the United Nations system as a whole;

27. *Decides* to continue its consideration of the question of human rights in the administration of justice at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

United Nations A/C.3/65/L.36

General Assembly

Distr.: Limited
28 October 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 68 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Argentina, Austria, Azerbaijan, Bangladesh, Barbados, Belize, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Guatemala, Haiti, Honduras, Hungary, Luxembourg, Mauritius, Mexico, Monaco, Montenegro, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Slovakia, Slovenia, Spain, Switzerland, Timor-Leste, Tuvalu, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Elimination of All Forms of Discrimination against Women,[3] the Convention on the Rights of the Child,[4] the International Convention on the Elimination of All Forms of Racial Discrimination,[5] the Convention on the Rights of Persons with Disabilities[6] and other human rights instruments adopted by the United Nations,

Recalling its resolution 47/196 of 22 December 1992, by which it declared 17 October the International Day for the Eradication of Poverty, and its resolution 62/205 of 19 December 2007, by which it proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017), as well as its resolution 63/175 of 18 December 2008 and its previous resolutions on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[4] Ibid., vol. 1577, No. 27531.
[5] Ibid., vol. 660, No. 9464.
[6] Resolution 61/106, annex I.

Please recycle

constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them,

Recalling also its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the effective understanding, promotion and protection of all human rights,

Recalling further Human Rights Council resolutions 2/2 of 27 November 2006,[7] 7/27 of 28 March 2008,[8] 8/11 of 18 June 2008[9] and 12/19 of 2 October 2009,[10]

Recalling Human Rights Council resolution 15/19 of 30 September 2010, in which it invited the independent expert on the question of human rights and extreme poverty, on the basis of the report of the Office of the United Nations High Commissioner for Human Rights, to pursue further work on the draft guiding principles on extreme poverty and human rights with a view to submitting a final draft of the revised guiding principles to the Council at its twenty-first session, in order to allow the Council to take a decision on the way forward with a view to the adoption by 2012 of guiding principles on the rights of persons living in extreme poverty,

Reaffirming the internationally agreed development goals, including the Millennium Development Goals, and welcoming the high-level plenary meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals and recalling its outcome document contained in resolution 65/1 of 22 September 2010,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, trafficking in human beings, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, while acknowledging the significant progress made in several parts of the world in combating extreme poverty,

Deeply concerned also that gender inequality, violence and discrimination exacerbate extreme poverty, disproportionally impacting women and girls,

Stressing that special attention should be given to children, older persons, persons with disabilities and indigenous peoples who are living in extreme poverty,

Concerned by the challenges faced today, including those derived from the financial and economic crisis, volatile energy and food prices and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity, and by their impact on the increase in the number of people living in extreme poverty and their negative effect on the capacity of all States, especially developing countries, to fight extreme poverty,

---

[7] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. I, sect. A.

[8] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[9] Ibid., chap. III, sect. A.

[10] See *Sixty-fifth Session, Supplement No. 53* (A/65/53).

Recognizing that the eradication of extreme poverty is a major challenge within the process of globalization and requires coordinated and continued policies through decisive national action and international cooperation,

Recognizing also that social protection is beneficial to the realization of human rights for all, in particular for those who are most vulnerable and marginalized and who are trapped in poverty and subject to multiple forms of discrimination,

Stressing the necessity of better understanding and addressing the causes and consequences of extreme poverty,

Reaffirming that, since the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and may, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual eradication must remain a high priority for the international community,

Stressing that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty,

Reaffirming that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Also reaffirms* that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty, and that it is essential for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic, social and cultural life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

3. *Emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society, community-based social organizations and the United Nations system, including international financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

4. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

5. *Recognizes* the need to promote respect for human rights and fundamental freedoms in order to address the most pressing social needs of people living in poverty, including through the design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance;

6. *Reaffirms* the commitments contained in the United Nations Millennium Declaration,[11] in particular the commitments to spare no effort to fight against extreme poverty and to achieve development and poverty eradication, including the commitment to halve, by 2015, the proportion of the world's people whose income

[11] See resolution 55/2.

is less than one United States dollar a day and the proportion of people who suffer from hunger;

7. *Also reaffirms* the commitment made at the 2005 World Summit to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all, including women and girls;[12]

8. *Further reaffirms* the commitment made at the high-level plenary meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals to accelerating progress in order to eradicate extreme poverty and hunger;[13]

9. *Recalls* that promoting universal access to social services and providing social protection floors can make an important contribution to consolidating and achieving further development gains and that social protection systems that address and reduce inequality and social exclusion are essential for protecting the progress made towards the achievement of the Millennium Development Goals;

10. *Encourages* States to implement or reinforce a human rights-based approach to their social protection systems and calls upon States that have not done so to include the gender perspective in the planning, implementation and monitoring of their social protection systems;

11. *Welcomes* the ongoing efforts to strengthen and support South-South cooperation and triangular cooperation and stresses that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation;

12. *Encourages* the international community to strengthen its efforts to address challenges that are contributing to extreme poverty, including those arising from the financial and economic crisis, volatile energy and food prices and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity in all parts of the world, especially in developing countries, by enhancing its cooperation to help build national capacities;

13. *Reaffirms* the critical role of both formal and informal education in the achievement of poverty eradication and other development goals as envisaged in the Millennium Declaration, in particular basic education and training for eradicating illiteracy, efforts towards expanded secondary and higher education, vocational education and technical training, especially for girls and women, the creation of human resources and infrastructure capabilities and the empowerment of those living in poverty, and in this context reaffirms the Dakar Framework for Action adopted at the World Education Forum in 2000,[14] and recognizes the importance of the United Nations Educational, Scientific and Cultural Organization strategy for the eradication of poverty, especially extreme poverty, in supporting the Education for All programmes as a tool to achieve the Millennium Development Goal of universal primary education by 2015;

14. *Invites* the United Nations High Commissioner for Human Rights to continue to give high priority to the question of the relationship between extreme

[12] See resolution 60/1.

[13] See resolution 65/1.

[14] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

poverty and human rights, and also invites her to further pursue the work in this area;

15. *Calls upon* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations to continue to give appropriate attention to the links between human rights and extreme poverty, and encourages the private sector and the international financial institutions to proceed likewise;

16. *Invites* States, as well as relevant United Nations organizations, intergovernmental organizations, United Nations treaty bodies, relevant special procedures mandate holders of the Human Rights Council, national human rights institutions and non-governmental organizations, especially those working with people living in extreme poverty, and other relevant stakeholders, to contribute to the work of the United Nations High Commissioner for Human Rights by expressing their views, comments and suggestions on the progress report of the independent expert on the question of human rights and extreme poverty on the draft guiding principles on extreme poverty and human rights;[15]

17. *Invites* the independent expert and relevant stakeholders, including representatives of States, development and human rights practitioners and organizations at the local, national, regional and international levels, to participate in the two-day consultation that the High Commissioner will organize, within existing resources, in Geneva before June 2011 on the progress report on the draft guiding principles;

18. *Welcomes* the efforts of entities throughout the United Nations system to incorporate the Millennium Declaration and the internationally agreed development goals set out therein into their work;

19. *Also welcomes* the work on social protection and human rights undertaken by the independent expert on the question of human rights and extreme poverty and her reports submitted to the General Assembly at its sixty-fourth and sixty-fifth sessions;[16]

20. *Decides* to consider the question further at its sixty-seventh session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

---

[15] A/HRC/15/41.

[16] A/64/279 and A/65/259.

United Nations A/C.3/65/L.36/Rev.1

General Assembly

Distr.: Limited
8 November 2010

Original: English

Sixty-fifth session

Third Committee

Agenda item 68 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Algeria, Andorra, Argentina, Armenia, Australia, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia (Plurinational State of), Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Luxembourg, Malaysia, Mali, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Netherlands, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Moldova, Romania, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Swaziland, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Tuvalu, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of) and Zimbabwe: revised draft resolution

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Elimination of All Forms of Discrimination against Women,[3] the Convention on the Rights of the Child,[4] the International Convention on the Elimination of All Forms of Racial Discrimination,[5]

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[4] Ibid., vol. 1577, No. 27531.

[5] Ibid., vol. 660, No. 9464.

Please recycle

the Convention on the Rights of Persons with Disabilities[6] and other human rights instruments adopted by the United Nations,

Recalling its resolution 47/196 of 22 December 1992, by which it declared 17 October the International Day for the Eradication of Poverty, and its resolution 62/205 of 19 December 2007, by which it proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017), as well as its resolution 63/175 of 18 December 2008 and its previous resolutions on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them,

Recalling also its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the effective understanding, promotion and protection of all human rights,

Recalling further Human Rights Council resolutions 2/2 of 27 November 2006,[7] 7/27 of 28 March 2008,[8] 8/11 of 18 June 2008[9] and 12/19 of 2 October 2009,[10]

Recalling also Human Rights Council resolution 15/19 of 30 September 2010, in which it invited the independent expert on the question of human rights and extreme poverty, on the basis of the report of the Office of the United Nations High Commissioner for Human Rights, to pursue further work on the draft guiding principles on extreme poverty and human rights with a view to submitting a final draft of the revised guiding principles to the Council at its twenty-first session, in order to allow the Council to take a decision on the way forward with a view to the adoption by 2012 of guiding principles on the rights of persons living in extreme poverty,

Reaffirming the internationally agreed development goals, including the Millennium Development Goals, and welcoming the high-level plenary meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals and recalling its outcome document contained in resolution 65/1 of 22 September 2010,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, trafficking in human beings, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, while acknowledging the significant progress made in several parts of the world in combating extreme poverty,

Deeply concerned also that gender inequality, violence and discrimination exacerbate extreme poverty, disproportionally impacting women and girls,

---

[6] Resolution 61/106, annex I.

[7] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. I, sect. A.

[8] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[9] Ibid., chap. III, sect. A.

[10] See *Sixty-fifth Session, Supplement No. 53* (A/65/53).

Stressing that special attention should be given to children, older persons, persons with disabilities and indigenous peoples who are living in extreme poverty,

Concerned by the challenges faced today, including those derived from the financial and economic crisis, the food crisis and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity, and by their impact on the increase in the number of people living in extreme poverty and their negative effect on the capacity of all States, especially developing countries, to fight extreme poverty,

Recognizing that the eradication of extreme poverty is a major challenge within the process of globalization and requires coordinated and continued policies through decisive national action and international cooperation,

Recognizing also that social protection systems make a critical contribution to the realization of human rights for all, in particular for those who are in vulnerable or marginalized situations and are trapped in poverty and subject to discrimination,

Stressing the necessity of better understanding and addressing the causes and consequences of extreme poverty,

Reaffirming that, since the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and may, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual eradication must remain a high priority for the international community,

Stressing that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty,

Reaffirming that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Also reaffirms* that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty, and that it is essential for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic, social and cultural life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

3. *Emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society, community-based social organizations and the United Nations system, including international financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

4. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

5. *Recognizes* the need to promote respect for human rights and fundamental freedoms in order to address the most pressing social needs of people living in poverty, including through the design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance;

6. *Reaffirms* the commitments contained in the United Nations Millennium Declaration,[11] in particular the commitments to spare no effort to fight against extreme poverty and to achieve development and poverty eradication, including the commitment to halve, by 2015, the proportion of the world's people whose income is less than one United States dollar a day and the proportion of people who suffer from hunger;

7. *Also reaffirms* the commitment made at the 2005 World Summit to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all, including women and girls;[12]

8. *Further reaffirms* the commitment made at the high-level plenary meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals to accelerating progress in order to eradicate extreme poverty and hunger;[13]

9. *Recalls* that promoting universal access to social services and providing social protection floors can make an important contribution to consolidating and achieving further development gains and that social protection systems that address and reduce inequality and social exclusion are essential for protecting the progress gains made towards the achievement of the Millennium Development Goals;

10. *Encourages* States, when designing, implementing, monitoring and evaluating social protection programmes, to ensure gender mainstreaming, and the promotion and protection of all human rights in accordance with their obligations under international human rights law, through this process;

11. *Welcomes* the ongoing efforts to strengthen and support South-South cooperation and triangular cooperation and stresses that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation;

12. *Encourages* the international community to strengthen its efforts to address challenges that are contributing to extreme poverty, including those derived from the financial and economic crisis, the food crisis and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity in all parts of the world, especially in developing countries, by enhancing its cooperation to help build national capacities;

13. *Reaffirms* the critical role of both formal and informal education in the achievement of poverty eradication and other development goals as envisaged in the Millennium Declaration, in particular basic education and training for eradicating illiteracy, and efforts towards expanded secondary and higher education as well as vocational education and technical training, especially for girls and women, the creation of human resources and infrastructure capabilities and the empowerment of those living in poverty, and in this context reaffirms the Dakar Framework for

[11] See resolution 55/2.
[12] See resolution 60/1.
[13] See resolution 65/1.

Action adopted at the World Education Forum in 2000,[14] and recognizes the importance of the United Nations Educational, Scientific and Cultural Organization strategy for the eradication of poverty, especially extreme poverty, in supporting the Education for All programmes as a tool to achieve the Millennium Development Goal of universal primary education by 2015;

14. *Invites* the United Nations High Commissioner for Human Rights to continue to give high priority to the question of the relationship between extreme poverty and human rights, and also invites her to further pursue the work in this area;

15. *Calls upon* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations to continue to give appropriate attention to the links between human rights and extreme poverty, and encourages the private sector and the international financial institutions to proceed likewise;

16. *Invites* States, as well as relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, relevant special procedures mandate holders of the Human Rights Council, national human rights institutions and non-governmental organizations, especially those working with people living in extreme poverty, and other relevant stakeholders, to contribute to the work of the United Nations High Commissioner for Human Rights by expressing their views, comments and suggestions on the progress report on the draft guiding principles submitted by the independent expert on the question of human rights and extreme poverty;[15]

17. *Invites* the independent expert and relevant stakeholders, including representatives of States, development and human rights practitioners and organizations at the local, national, regional and international levels, to participate in the two-day consultation that the High Commissioner will organize, within existing resources, in Geneva before June 2011 on the progress report on the draft guiding principles;

18. *Welcomes* the efforts of entities throughout the United Nations system to incorporate the Millennium Declaration and the internationally agreed development goals set out therein into their work;

19. *Also welcomes* the work on social protection and human rights undertaken by the independent expert on the question of human rights and extreme poverty and her reports submitted to the General Assembly at its sixty-fourth and sixty-fifth sessions;[16]

20. *Decides* to consider the question further at its sixty-seventh session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

---

[14] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[15] A/HRC/15/41.

[16] A/64/279 and A/65/259.

United Nations A/C.3/65/L.37

General Assembly

Distr.: Limited
28 October 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 68 (b)y
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Australia, Brazil, Chile, Japan, Peru, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Elimination of discrimination against persons affected by leprosy and their family members

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights, including article 1, which states that all human beings are born free and equal in dignity and rights, and that they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood,

Recalling also relevant Human Rights Council resolutions 8/13 of 18 June 2008,[1] 12/7 of 1 October 2009[2] and 15/10 of 30 September 2010,[3]

Reaffirming that persons affected by leprosy and their family members should be treated as individuals with dignity and are entitled to all basic human rights and fundamental freedoms under customary international law, relevant conventions and national constitutions and laws,

1. *Welcomes* the work of the Human Rights Council and takes note with appreciation of the work of Human Rights Council Advisory Committee on the elimination of discrimination against persons affected by leprosy and their family members;

[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. III, sect. A.
[2] Ibid., *Sixty-fifth Session, Supplement No. 53* (A/65/53), chap. I, sect. A.
[3] Ibid., *Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

10-60963 (E) 021110

Please recycle

2. *Takes note with appreciation of* the Principles and Guidelines for the elimination of discrimination against persons affected by leprosy and their family members;[4]

3. *Encourages* Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions to give due consideration to the Principles and Guidelines in the formulation and implementation of their policies and measures concerning persons affected by leprosy and their family members;

4. *Encourages* all relevant actors in society, including hospitals, schools, universities, religious groups and organizations, business enterprises, newspapers, broadcasting networks and other non-governmental organizations, to give due consideration, as appropriate, to the Principles and Guidelines, in the course of their activities.

[4] A/HRC/15/30, annex.

United Nations A/C.3/65/L.38

General Assembly

Distr.: Limited
28 October 2010

Original: English

Sixty-fifth session

Third Committee

Agenda item 68 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Algeria, Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bolivia, Botswana, Burundi, Cameroon, Cape Verde, Central African Republic, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Guinea, Guinea-Bissau, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Oman, Pakistan, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tunisia, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe: draft resolution

Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing, in particular, the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3]

[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

[3] See resolution 2200 A (XXI), annex.

Please recycle

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration[4] and the outcome documents of the twenty third[5] and twenty fourth[6] special sessions of the General Assembly, held in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000, respectively,

Recalling also its resolutions 64/160 and 64/174 of 18 December 2009,

Recalling further Commission on Human Rights resolution 2005/17 of 14 April 2005 on globalization and its impact on the full enjoyment of all human rights,[7]

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights,

Emphasizing the need to fully implement the global partnership for development and enhance the momentum generated by the 2005 World Summit in order to operationalize and implement the commitments made in the outcomes of the major United Nations conferences and summits, including the 2005 World Summit, in the economic, social and related fields, and reaffirming in particular the commitment contained in paragraphs 19 and 47 of the 2005 World Summit Outcome[8] to promote fair globalization and the development of the productive sectors in developing countries to enable them to participate more effectively in and benefit from the process of globalization,

Realizing the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware of the risk that globalization poses more of a threat to cultural diversity if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

---

[4] See resolution 55/2.

[5] Resolution S-23/2, annex, and resolution S-23/3, annex.

[6] Resolution S-24/2, annex.

[7] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[8] See resolution 60/1.

Realizing the need to consider the opportunities and challenges linked to globalization with a view to addressing such challenges and building on possible opportunities in order to achieve the full enjoyment of all human rights,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights, particularly in the light of the current global financial and economic crisis, which has an adverse impact on the realization of the internationally agreed development goals, particularly the Millennium Development Goals, and recognizing that developing countries are in a more vulnerable situation when facing such an impact,

Expressing deep concern at the negative impact of the rising global food and energy challenges and climate change on social and economic development and on the full enjoyment of all human rights for all,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equity, participation, accountability, non-discrimination at both the national and the international levels, respect for diversity, tolerance and international cooperation and solidarity,

Emphasizing that the existence of widespread extreme poverty inhibits the full realization and effective enjoyment of human rights, and that its immediate alleviation and eventual elimination must remain a high priority for the international community,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries is unsustainable and constitutes one of the principal obstacles to achieving sustainable development and poverty eradication and that, for many developing countries, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

Strongly reiterating the determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit, that are described as the Millennium Development Goals, which have helped to galvanize efforts towards poverty eradication,

Deeply concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, and within countries, which has contributed to, inter alia, deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect all human rights,

Underlining that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Emphasizes* that development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments is imperative for an enabling environment for development and an inclusive and equitable globalization;

3. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

4. *Also reaffirms* the commitment to create an environment at both the national and the global levels that is conducive to development and to the eradication of poverty by, inter alia, promoting good governance within each country and at the international level, eliminating protectionism, enhancing transparency in the financial, monetary and trading systems, and committing to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

5. *Recognizes* the impacts that the global economic and financial crises are still having on the ability of countries, particularly developing countries, to mobilize resources for development and to address the impact of these crises, and, in this context, calls upon all States and the international community to alleviate, in an inclusive and development-oriented manner, any negative impacts of these crises on the realization and the effective enjoyment of all human rights;

6. *Also recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

7. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[9] which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

8. *Reaffirms* the international commitment to eliminating hunger and to securing food for all, today and tomorrow, and reiterates that the relevant United Nations organizations should be assured the resources needed to expand and enhance their food assistance, and support safety net programmes designed to address hunger and malnutrition, when appropriate, through the use of local or regional purchase;

9. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote equitable and environmentally sustainable economic growth for managing globalization so that poverty is systematically reduced and the international development targets are achieved;

[9] E/CN.4/2002/54.

10. *Recognizes* that the responsible operations of transnational corporations and other business enterprises can contribute to the promotion, protection and fulfilment of all human rights and fundamental freedoms, in particular economic, social and cultural rights;

11. *Also recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

12. *Underlines* the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

13. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

14. *Also affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that promotes and protects human rights while ensuring respect for the cultural diversity of all;

15. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

16. *Takes note* of the report of the Secretary-General,[10] and requests him to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the General Assembly at its sixty-sixth session a substantive report on the subject based on these views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

---

[10] A/65/171.